



Professional Fiduciaries Bureau

Post Office Box 989007
West Sacramento, CA 95798-9007
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Website: www.fiduciary.ca.gov



LICENSING APPLICATION PACKAGE INFORMATION CALIFORNIA PROFESSIONAL FIDUCIARY

Welcome to the Professional Fiduciaries Bureau (Bureau). Enclosed is an Application Package for obtaining a license as a professional fiduciary in the State of California.

The Application Package consists of the following documents:

1. Are You A Professional Fiduciary?
2. Frequently Asked Questions
3. Licensing Application Checklist
4. Licensing Application Form
5. Live Scan Information and Procedures
6. Instructions for Completing Live Scan Service Form
7. Request for Live Scan Service Form
8. Professional Fiduciaries Code of Ethics

PROFESSIONAL FIDUCIARIES BUREAU HISTORY

The Professional Fiduciaries Bureau was established by Senate Bill 1550 in 2006. The Bureau's mandate is to license and regulate certain non-family member private fiduciaries, including conservators, guardians, trustees and agents under durable power of attorney as defined in the Professional Fiduciaries Act (Act). As passed by Senate Bill 1550, the Act required all specified fiduciaries be licensed by July 1, 2008. However, the licensing deadline was subsequently extended to January 1, 2009 by Senate Bill 1047 in 2007 with an exception for new court appointments. Between July 1 and December 31, 2008, a court is still prohibited from appointing a professional fiduciary subject to the Act unless they hold a license issued by the Bureau.

LICENSING INFORMATION

Submission of Application Package

Licensing applications and supporting documentation shall be submitted to:

**The Professional Fiduciaries Bureau
Licensing Application Unit
Post Office Box 989005
West Sacramento, CA 95798-9005**

Fax transmissions of the application documents will not be accepted without prior approval.

Processing Applications and Approving Applicants

Approval of a complete application package is necessary for licensure. An applicant must complete each section of the application package, include written explanations for affirmative answers when required, attach the required documentation, and submit a \$400 application processing fee with the application. Failure to submit a complete application package will result in the application being deemed incomplete.

Upon initial receipt of a licensing application package, the Bureau will notify an applicant in writing within 90 days that the application package is complete and accepted for filing or that it is deficient and what specific information or documentation is needed. A licensing application package that is incomplete for more than 12 months will be abandoned and the application fee forfeited.

Once the application is complete the Bureau will conduct an evaluation to determine whether the applicant meets the requirements for licensure and if so will approve them to be a licensed California Professional Fiduciary. Then, upon receipt of a notice of approval, an applicant must submit the initial licensing fee to complete the process. Any false, dishonest, or misleading statements in the application or in the accompanying attachments are grounds for denial, or subsequent suspension or revocation of an issued license.

Basic Eligibility for Licensure

To be eligible for a license as a professional fiduciary an applicant must:

- Be at least 21 years of age, and
- Be a United States citizen or legally admitted to the United States.

Application Qualifications

An applicant must complete the application package including:

- Earning 30 hours of approved prelicensing education credit
- Meeting the necessary education/experience requirements
- Submitting a processed Request for Live Scan Services Form for a criminal background check
- Passing the licensing examination

Laws and Regulations

For a copy of the licensing statutes and regulations please visit the Bureau's website at www.fiduciary.ca.gov or submit a written request to the Bureau (clearly print or type name and address). You may review the records maintained by the Bureau that contain your personal information, as permitted by the Information Practices Act. To request access to the information contact the Bureau at Post Office Box 989007, West Sacramento, CA 95798-9007 or by calling (916) 574-7340.

Collection of Personal Information

The information provided on an application is maintained by the Chief of the Professional Fiduciaries Bureau, Department of Consumer Affairs. The information is requested pursuant to Business & Professions Code Sections 30, 6533, 6534, and Title 16, California Code of Regulation Section 4422. The Bureau uses this information to identify and evaluate applicants for licensure, issue and renew licenses, and enforce licensing standards set by law. It is mandatory that all information requested be provided. Once submitted, an application becomes the property of the Bureau and will be used by authorized personnel to determine license eligibility. The Bureau makes every effort to protect the personal information on the application; however, it may be disclosed in response to a Public Record Act request as allowed by the Information Practices Act; to other governmental or law enforcement agencies as authorized by state or federal law; or in response to a court or administrative action, a subpoena, or a search warrant. An applicant or licensee has the right to review the records maintained on them by the Bureau, unless the records are exempt by Section 1798.40 of the Civil Code. An applicant or licensee may request access to the information by contacting the Bureau at Post Office Box 989007, West Sacramento, CA 95798-9007 or by calling (916) 574-7340. For questions about the Department of Consumer Affairs' privacy policy or the Information Practices Act, you may contact the Information Security Office in the Department of Consumer Affairs, 1625 N. Market Blvd., S-202, Sacramento, CA 95834, or by email at privacy@dca.ca.gov.

Collection of Social Security Number (SSN)

SSNs are required on the application form. Collection of the SSN is authorized by Business & Professions Code Section 30 and Public Law 94-455 (42 U.S.C.A. 405(2)(c)). SSNs are used

exclusively for the purpose of tax enforcement and/or compliance with any judgment or order for family support in accordance with Family Code Section 17520. If an applicant fails to disclosure their SSN, they will be reported to the Franchise Tax Board (FTB), and may be accessed a \$100 penalty by the FTB.

Examination Information

An applicant must be deemed eligible by the Bureau to take the licensing examination. Once eligible, examination candidates must contact the Center for Guardianship Certification (CGC) to register for the examination. The examination application form can be obtained from the CGC website or by contacting CGC at:

Center for Guardianship Certification
P.O. Box 5704
Harrisburg, PA 17110
(717) 238-4689 (717) 238-9985 fax
www.guardianshipcert.org

The Bureau will not accept examination application forms or any examination related fees.

The examination consists of two parts, one part that is national in scope and one part that is specific to California law. An applicant must pass both parts of the examination to be considered for licensure.

A candidate has 12 months in which to pass the examination. If the candidate fails to pass one or both parts of the examination they may sit for re-examination a maximum of four times within the 12-month eligibility period not to exceed one re-examination attempt every 30 days. Failure to pass both parts of the examination within the 12-month eligibility period will deem a licensing application incomplete and abandoned.

Criminal Background Check

An applicant must submit a full set of fingerprints to a California Department of Justice live scan center for the purpose of conducting a criminal background check. Fingerprints will be compared to the records of the California Department of Justice and the Federal Bureau of Investigation to determine whether a criminal history exists. Each application package must include a copy of a processed live scan form. See Request for Live Scan Service Form in the application package and on the Bureau's website.

APPLICATION FORM INSTRUCTIONS

Each section of the licensing application must be completed with the requested information included and attached as required.

PART 1. Personal and Business Information

Requires name, business address, address of public record, date of birth, social security number, and contains an inquiry of U.S. citizenship status.

PART 2. Other Licenses and Certificates

Requires history and information of other licenses and/or certificates held by applicant. Permits a statement of explanation be included.

PART 3. Bankruptcy

Requires bankruptcy information. Permits a statement of explanation be included.

PART 4. Prelicensing Education Requires information for each approved education course taken to meet the 30 hours of prelicensing education credit.

PART 5. Education and Experience Qualifications

Requires specific college information if applicable. Requires specific experience information if applicable, including contact information for at least three references, and requires applicant provide consent for the Bureau to contact the references for experience verification.

PART 6. Convictions and Fiduciary Actions

Convictions

Requires information regarding applicant's criminal conviction history. Permits a statement of explanation be included.

Fiduciary Actions

Section 1. Inquires into any finding by a court that involves a breach of a fiduciary duty. If applicable, requires copies of the court findings and orders related to each specific case, and permits a statement of the issues and facts pertaining to each case be included.

Section 2. Requires specific information be provided on any case involving a removal. If applicable, requires copies of the court findings and orders related to each specific case and information regarding court appeals, and permits a statement of the issues and facts pertaining to each case be included.

Section 3. Requires specific information be provided when any complaint filed with the court has resulted in a resignation. If applicable, requires an additional statement of the issues and facts pertaining to allegations be included, and requires copies of the court findings and orders related to each specific case.

Section 4. Requires specific information be provided when any complaint filed with the court has resulted in a settlement. If applicable, requires an additional statement of the issues and facts pertaining to allegations be included, and requires copies of the court findings and orders related to each specific case.

PART 7. Affidavit

Requires applicant sign the Licensing Application certifying under penalty of perjury to the truth and accuracy of information provided and represented on the form, obtains consent for the Bureau to conduct a credit check for the application review process, and requires applicant agree to adhere to the Professional Fiduciaries Code of Ethics. Only Licensing Application forms with original signatures will be accepted.

LICENSEE RESPONSIBILITIES

Filing Annual Statements

Upon licensure, a licensee must file a complete Initial Annual Statement with the Bureau within 60 days of the issuance of the license.

Every year, the licensee must also file a complete Annual Statement at least 60 days prior to the expiration of the license for compliance and license renewal.

Change of Address

Each licensee must notify the Bureau in writing within 15 business days of a change to any address on file with the Bureau, giving both the old and new addresses and any changes. See Change of Address Form on the Bureau's website.